

07 JAN 2008



United States Patent and Trademark Office

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Howard IP Law Group  
P.O. Box 226  
Fort Washington PA 19034

In re Application of  
Bonnot et al.  
Application No.: 10/552,546  
PCT No.: PCT/FR04/50160  
Int. Filing Date: 14 April 2004  
Priority Date: 17 April 2003  
Attorney Docket No.: BEAUMONT-26  
For: Carbon Nanotube Growth Method

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 28 November 2007.

### DISCUSSION

In a Decision mailed on 28 September 2007, the petition filed on 13 August 2007 was dismissed with prejudice, with the following explanation:

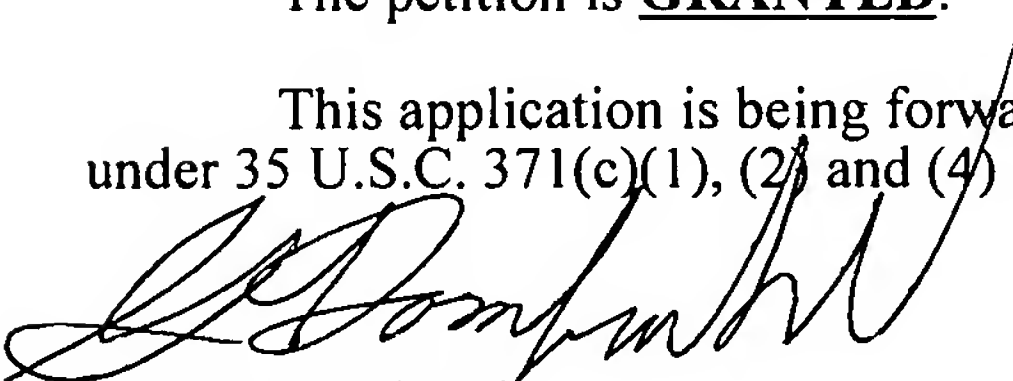
Petitioner requests withdrawal of the holding of abandonment because a suitable response allegedly was filed on 24 August 2006. Review of the electronic application file reveals that a declaration which complies with 37 CFR 1.497(a) and (b) and which was filed on 24 August 2006 is present in the file. Further review of Office records (including the copy of the response accompanying the petition) shows that the response in question was directed to application no. 10/552,545 instead of the instant application number. Consequently, counsel's check was applied to application no. 10/552,545 rather than the instant case. To correct this defect, a petition (and fee) under 37 CFR 1.182 is required.

To clarify, the response filed on 24 August 2006 was misdirected because the wrong application number, 10/552,545, was placed on the transmittal letter accompanying the response. Though the response was misdirected in this manner, the USPTO was able to match the declaration with the correct application because it displayed the correct application number; however, the fee payment did not bear any indication of the correct application number, and so it was not credited to this case. In view of the instant petition under 37 CFR 1.182, the fee (surcharge) payment filed on 24 August 2006 is being applied to this application rather than 10/552,545. In addition, the holding of abandonment is hereby WITHDRAWN, and the Notification of Abandonment mailed on 03 August 2007 is hereby VACATED.

### DECISION

The petition is GRANTED.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 24 August 2006.

  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459